

## **PUBLIC NOTICE**

### **PUBLIC NOTICE OF A DRAFT NPDES PERMIT TO DISCHARGE INTO WATERS OF THE UNITED STATES**

U.S. Environmental Protection Agency  
Region 5, NPDES Programs Branch - WN-16J  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
(312) 353-2124

**Public Notice No.: 08-08-01-A**

**Public Notice Issued On:** August 22, 2008

**Comment period ends:** September 22, 2008

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**Permit No.:** MN-0064637-2 (REISSUANCE)

**Application No.:** MN-0064637-2

**Name and Address of Applicant:  
Where Discharge Occurs:**

ML Wastewater Management, Inc.  
Mille Lacs Band of Ojibwe  
43282 Timber Trail Road  
Onamia, Minnesota 56359

**Name and Address of Facility**

Mille Lacs WWTF  
Mille Lacs Indian Reservation  
Vineland, Minnesota  
Mille Lacs County  
(NE1/4 of the SW1/4 of Sec 30, T43N, R27W)

Receiving Water: Wetland to Ogechie Lake

#### **DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE**

The above named applicant has applied for an NPDES Permit to discharge into the designated receiving water. The facility is located within the exterior boundaries of the Mille Lacs Indian Reservation. The permit will be issued by the U.S. Environmental Protection Agency.

The applicant's treatment facility consists of primary treatment with static screen and grit removal, followed by biological treatment using sequencing batch reactors. Phosphorus removal is accomplished by chemical addition and equalization. The wastewater goes through ultraviolet disinfection then is discharged to a wetland followed by an unnamed tributary which flows to Ogechie Lake. Sludge is treated by aerobic digestion and gravity thickening. Ultimate sludge use or disposal is by land application or hauling to another POTW.

The facility is to treat an average wet weather flow of 0.625 million gallons per day of mostly domestic wastewater. This facility is a regional facility that treats wastewater from the Vineland Indian Community area and the Garrison Kathio West Mille Lacs Lake Sanitary District. The Sanitary District includes the City of Garrison and the Townships of Garrison and Kathio.

The draft permit requires the applicant to meet the following effluent limitations:

**Controlled Discharge Limitations**

<b><u>Effluent Parameter</u></b>	<b><u>30-Day Average During Discharge</u></b>		<b><u>7-Day Average During Discharge</u></b>
	mg/L	%Removal	mg/L
5-Day Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	25	85%	40
Total Suspended Solids (TSS)	30	85%	45
Total Phosphorus	1.0	N/A	N/A
E. coli (4/1-10/31)	126 E. coli/100 ml		N/A
pH	6 S.U.(minimum) - 9 S.U.(maximum)		
Dissolved Oxygen	4.0 mg/L (daily minimum)		

The limits were developed to ensure compliance with 40 CFR Part 133, protection of human health and EPA's water quality criteria, and protection of Minnesota water quality standards where they are applicable. EPA is moving in the direction of using E. coli, which is a better indicator of recreational suitability, instead of fecal coliform. The 30-day average limit for E. coli, based on EPA's water quality criteria, is 126 E. coli/100 ml. Since the permittee is using UV disinfection, the permittee should be able to comply with the new limit and does not need a compliance schedule. The permit also requires regular monitoring for Ammonia Nitrogen (NH<sub>3</sub>-N), Dissolved Oxygen, and mercury. During the previous permit term, the effluent quality has been consistently below the permit limits.

EPA is the appropriate authority for purposes of certifying the proposed discharge under Section 401 of the Clean Water Act. Clean Water Act Section 401 certification is not needed from the state or the tribe as neither has water quality standards applicable to the receiving water at the point of discharge.

**ESA and NHPA COMPLIANCE**

EPA believes it has satisfied its requirements under the Endangered Species Act and the National Historical Preservation Act. Since this is an existing facility with no new planned expansion or construction expected within the permit term, it is believed that the reissuance of the permit and the continued operation of the facility will have no effect on endangered or threatened species or their critical habitat and will have no impact to historical, archeological, or cultural resources.

**TENTATIVE DETERMINATION**

On the basis of preliminary staff review and application of applicable standards and regulations, the Regional Administrator of EPA, Region 5 proposes to reissue a permit for the discharge from the Mille Lacs Wastewater Treatment Facility subject to certain effluent limitations and special conditions.

**COMMENT PROCEDURES and PUBLIC HEARING**

The determination to issue the NPDES permit is tentative. EPA's comment and public hearing procedures may be found at 40 CFR 124.10, 124.11, 124.12, and 124.13. The following is a summary of those procedures:

1. The comment period during which written comments on the draft permit may be submitted extends to September 22, 2008.
2. During the comment period, any interested person may request a public hearing by filing a written request which must state the issues to be raised. The last day for filing a request for public hearing is September 22, 2008.
3. In appropriate cases, including those where there is significant public interest, the EPA Regional Administrator may hold a public hearing. A decision has not yet been made as to whether a public hearing will be held for this permit. Public notice of such a hearing will be circulated in at least one newspaper in the geographical area of the discharge and to those persons on the EPA mailing list at least 30 days prior to the hearing.
4. All comments received later than September 22, 2008, may be considered in the formulation of the final determination.
5. Written comments or requests for a public hearing must be delivered or mailed to:  
John A. Colletti, U.S. Environmental Protection Agency, Region 5, NPDES Programs  
Branch - WN-16J, 77 West Jackson Boulevard, Chicago, Illinois 60604

The application and Public Notice numbers should appear next to the EPA address on the envelope and on each page of any submitted comments. It is important that all viewpoints are considered before taking action. Therefore, we greatly appreciate your time and effort in participating in the public participation process. EPA will notify the applicant and each person who has submitted written comments or requested notice of the final permit decision.

**PETITION TO REVIEW**

Within 30 days following the service of notice of the Acting Regional Administrator's final permit decision, any person who filed comments on the draft permit or participated in a public hearing, if held, may petition the Environmental Appeals Board to review any condition of the permit decision. The petition should be sent to the following address: Environmental Appeals Board, MC 1103B, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460.

**AVAILABILITY OF DOCUMENTS**

The application, draft permit, including proposed effluent limitations and special conditions, statement of basis, and other documents contained in the administrative record, are available for inspection and may be copied at a cost of 15 cents per page at the Chicago Regional offices of the Environmental Protection Agency anytime between 9:00 a.m. and 4:00 p.m., Monday through Friday. You may also view, the public notice, statement of basis, and draft permit on Region 5's website at "<http://www.epa.gov/region5/water/npdestek/notices.htm>". All data submitted by the applicant is available as part of the administrative record. For more information, please contact John Colletti at (312) 886-6106 or by e-mail at 'colletti.john@epa.gov'.

Please bring the foregoing to the attention of anyone you know that would be interested in this matter.